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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1951 of 2003

Petitioner:		Laxmi Narayan Singh Rathore S/o Shri L.N.S. Rathrore, aged about 32 years, working as Sub-Engineer, P.W.D. (Bridge-Development) Sub Division Raigarh, District Raigarh (C.G.).
	Versus	
Respondents:	1.	State of Chhattisgarh, through Secretary, P.W.D. D.K.S. Bhawan, Raipur (C.G.).
	2.	State of Chhattisgarh, Through Additional Secretary, P.W.D. D.K.S. Bhawan, Raipur (C.G.).
	3.	The Engineer in Chief, P.W.D. (Civil Line) Raipur (C.G.).
	4.	The Chief Engineer, P.W.D. (Near Collector at office) Bilaspur (C.G.).

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri R.S. Patel, Advocate for the petitioner.

Shri Pankaj Shrivastava, Panel lawyer for the Respondents/State.

ORAL ORDER

(6th February, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner, who was working as Sub-Engineer, Public Works Department (Bridge-Development), Raigarh, Division Raigarh was transferred vide order dated 18.6.2003 (Annexure P-1) to Public Works Department, Division Dantewada, District-Dantewada.

2. The petitioner has filed this petition on the ground that the petitioner is handicapped and as such the petitioner should not have been transferred to a far of place in Dantewada Division.

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3. This Court vide order dated 25.7.2003 granted stay of the operation of the impugned transfer order dated 18.6.2003. The petitioner has continued at the old place of posting ever since.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to whether a particular officer/employee be posted in the interest of administration and public. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authorities passing the transfer order and not in conformity with the rules and regulations. In the facts and circumstances of the case, it is not necessary to examine the transfer order at this stage. In the facts of the case the respondents/authorities are directed not to insist upon compliance of the impugned transfer order.

5. In view of the above the petition is dismissed. However, respondents/authorities are at liberty to pass appropriate order as to the posting of the petitioner in the public interest and administrative exigency. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu